

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

XUAN-KHA PHAM,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

No. 1:22-cv-481 (PTG/JFA)

DEFENDANT'S MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1), Defendant Central Intelligence Agency, by and through counsel, moves this Court for an Order dismissing Plaintiff's claims for lack of subject matter jurisdiction and failure to state a claim. In support of its motion, Defendant respectfully refers the Court to the memorandum in support being filed contemporaneously with this motion.

Dated: March 27, 2023

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

By: _____ /s/
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and caused a copy to be served by first-class mail on the following *pro se* plaintiff:

Xuan-Kha Pham
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/s/
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